



# The Water Report™

*Water Rights, Water Quality & Water Solutions in the West*

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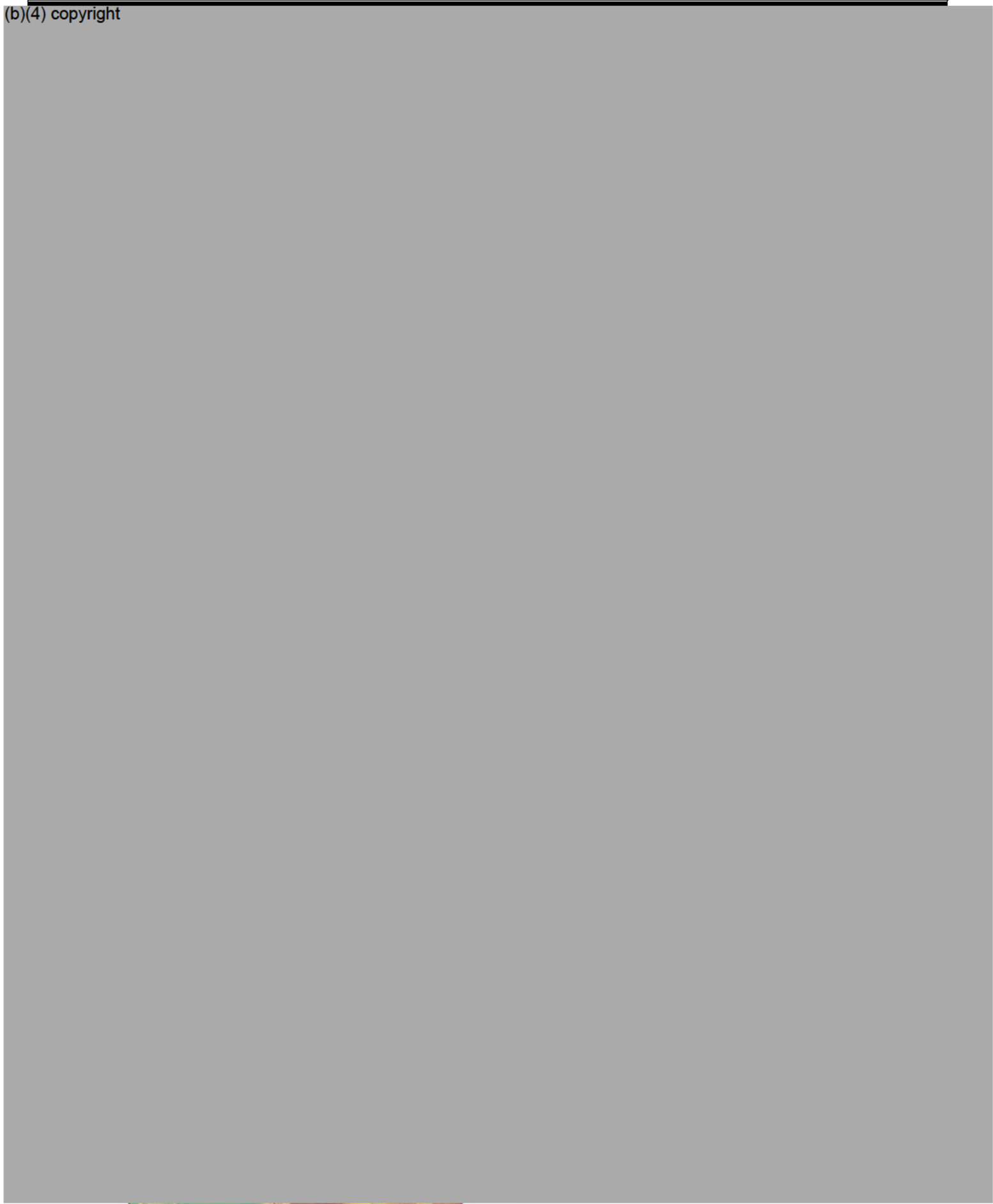
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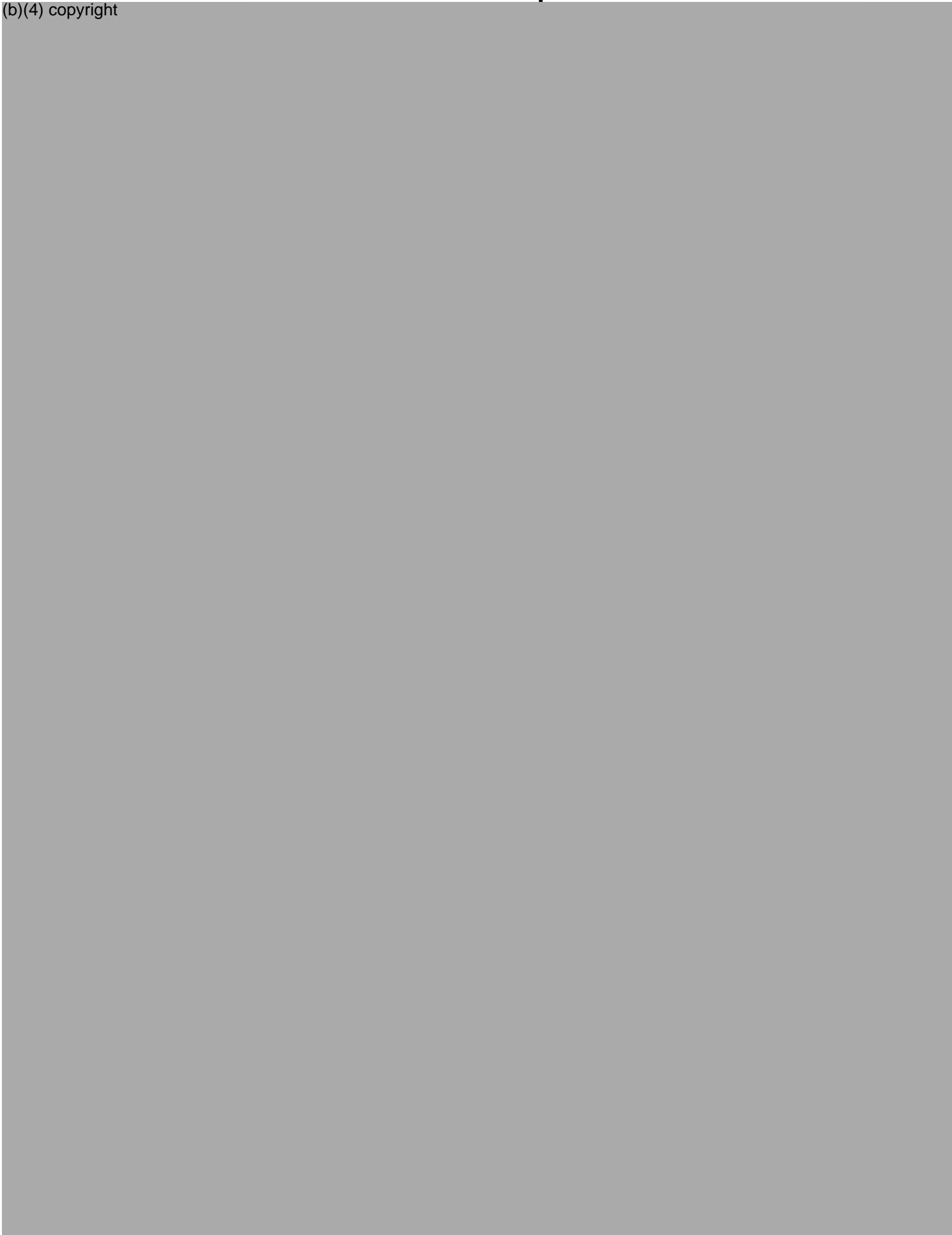
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## WATER BRIEFS

## WATER REUSE

CO

## DENVER AREA "WISE" PROGRAM

Starting last August, people in parts of Denver's south metro area began getting some of their water through the Water Infrastructure and Supply Efficiency partnership, known as WISE. The partnership is a regional project between Denver Water, Aurora Water, and 10 members of the South Metro Water Supply Authority which serve water to communities in Arapahoe and Douglas counties including Castle Rock, Highlands Ranch, and Parker. The WISE project shares water, pipelines and treatment facilities in a way that benefits two million people in the metro area.

The WISE partnership works by recapturing water after it's used by Denver and Aurora Water customers, treating it and sharing supplies, when available, with South Metro WISE partners.

South Metro recipients benefit by getting an additional source of water so utilities don't have to rely heavily on water from an underground aquifer. The south metro area has relied on nonrenewable groundwater for decades, but with rapid growth in the region, water in the underground aquifer is drying up.

Under the agreement, Denver Water and Aurora Water agree to provide a minimum of 72,250 acre-feet (or 23.5 billion gallons) of treated water to South Metro WISE members every 10 years — enough water to meet the needs of 289,000 homes over a decade.

The backbone of the WISE agreement is the Prairie Waters treatment system, owned by Aurora Water and running since 2010. "After customers use water in their homes, Prairie Waters lets us recapture it and treat it over and over again," said Joe Stibrich, water resources policy manager at Aurora Water.

Prairie Waters uses natural filtering processes, a 34-mile pipeline, and state-of-the-art technology to capture, pump and purify water from the lower South Platte River near Brighton and send it back to customers. Aurora Water built the Prairie Waters system in response to the 2002 drought and to supplement its mountain supplies to meet water demand for the city's growing population.

By selling water to South Metro WISE members, Aurora Water receives additional revenue to stabilize rates and offset Prairie Waters' construction and operating expenses. Denver Water will be able to connect to WISE and Prairie Waters infrastructure by 2020 to reuse water for its own customers if needed.

Reusing water means Front Range communities can meet their demand without diverting more water from mountain rivers and streams.

As a result of the Colorado River Cooperative Agreement, a surcharge on WISE water sales also goes to the Colorado River District to support river enhancement programs on the West Slope. Full implementation of the WISE water deliveries to all 10 South Metro partners will be phased in over the coming weeks and months. The project is a permanent agreement

between the three organizations and also helps address water supply shortages identified in Colorado's Water Plan.

**For info:** Denver Water website: <https://denverwatertap.org/2017/08/14/a-new-wise-way-to-use-water/>

## CLIMATE / COAL

WY

## BLM LEASING DISAPPROVED

On September 15, the Tenth Circuit US Court of Appeals ruled that the US Bureau of Land Management (BLM) violated federal law in ignoring the climate implications of approving massive new coal mining in the Powder River Basin of northeastern Wyoming.

In its ruling, the Court of Appeals found that BLM failed to properly account for the climate impacts of more coal mining, holding the agency violated federal law. The court ordered the agency to go back and conduct new scrutiny and directed the US District Court for the District of Wyoming to consider putting a halt to new mining.

WildEarth Guardians and the Sierra Club filed suit over BLM's approval of four new coal leases in the Powder River Basin. The leases were intended to expand the Black Thunder and North Antelope-Rochelle strip mines, the two largest coal mines in the world, which are also owned by two of the world's largest coal companies — Arch Coal (Black Thunder) and Peabody Energy (North Antelope Rochelle). These two mines collectively produce more than 25% of all coal burned in the US.

The Powder River Basin of northeastern Wyoming already produces 42% of the nation's coal, making it the largest coal producing region in the nation. Coal from the region is burned in hundreds of power plants in the U.S. and increasingly, is exported abroad to be burned in Asia and Europe.

In total, the leases contained two billion tons of coal. When burned, more than 3.3 billion metric tons of carbon would be released, equal to the emissions of nearly 1,000 coal-fired power plants.

"What this ruling says is that climate change matters and the federal government can't turn its back on the problem," according to Jeremy Nichols, WildEarth Guardians. "It means that President Trump and his cronies in the coal industry can no longer force Americans to shoulder the costs of global warming."



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## WATER BRIEFS

The ruling comes as President Trump and his Interior Secretary, Ryan Zinke, have ordered more federal coal leasing to proceed, notwithstanding the climate implications of unleashing more carbon pollution.

WildEarth Guardians expects the decision will have a dramatic impact on how BLM and the US Department of the Interior assess future land leases for fossil fuels.

**For info:** Jeremy Nichols, WildEarth Guardians, 303/ 437-7663 or [jnichols@wildearthguardians.org](mailto:jnichols@wildearthguardians.org); Opinion at: [www.ca10.uscourts.gov/opinions/15/15-8109.pdf](http://www.ca10.uscourts.gov/opinions/15/15-8109.pdf)

#### ENFORCEMENT HEARINGS CA ADMINISTRATIVE LAW JUDGES

On the last day of the California legislative session, a bill received final approval which requires that unbiased administrative law judges conduct water rights enforcement hearings, instead of the State Water Resources Control Board. Assemblyman Adam Gray (D-Merced) announced the passage of the bill, referring to it as “landmark passage of water rights fairness legislation” and a “rare victory for water rights holders.”

AB 313 establishes a new water rights management structure, creating a new Water Rights Division in the Office of Administrative Hearings to handle all water rights matters. The shift is intended to remove conflicts of interest and built-in biases in the current system. Assemblyman Gray pushed the legislation to change the current enforcement system, where “[T]he State Water Board has the power to write regulations, initiate enforcement actions, and conduct hearings in its own courtroom in which Board staff act as the prosecution and Board members act as judge and jury.” Gray Press Release, September 16, 2017.

The bill now heads to Governor Brown for his signature.  
**For info:** Assemblyman Gray’s website: <http://a21.asmdc.org/> or 916/ 319-2021

#### BAY-DELTA PLAN CA WATER BOARD POSTS MATERIALS

The California State Water Resources Control Board has posted several documents on its website related to the

Phase II update of the Water Quality Control Plan for the San Francisco Bay/ Sacramento-San Joaquin Delta Estuary (Bay-Delta Plan). Phase II addresses requirements for flows and cold water habitat in the Sacramento River, its tributaries, and tributaries to the Delta (including the Mokelumne, Cosumnes and Calaveras rivers); Delta outflows; and water project operations in the interior Delta.

The documents that were posted include:

- a Fact Sheet on the current status of the Phase II process, including a description of the proposed changes to the Bay-Delta Plan’s water quality objectives and implementation approach;
- a notice informing interested persons how to stay updated on the Phase II process (this notice was also mailed to water users and others);
- a series of questions for public input to help inform potential Phase II implementation measures in the Bay-Delta Plan,
- the final Scientific Basis Report supporting potential Phase II changes to the Bay-Delta Plan and information on peer review of the report, including responses to peer review comments; and
- hydrologic modeling information (the Sacramento Water Allocation Model or SacWAM) in support of Phase II, including an updated model and model output and responses to peer review comments on the model.

**For info:** State Water Board’s Bay-Delta Program webpage: [www.waterboards.ca.gov/waterrights/water\\_issues/programs/bay\\_delta/](http://www.waterboards.ca.gov/waterrights/water_issues/programs/bay_delta/).

#### WASTEWATER REPORT US CRS INFRASTRUCTURE OVERVIEW

On September 22nd, the Congressional Research Service (CRS) released “*Wastewater Infrastructure: Overview, Funding, and Legislative Developments*,” written by Jonathan L. Ramseur, Specialist in Environmental Policy. The following are excerpts from report’s Summary.

The collection and treatment of wastewater remains among the most important public health interventions

in human history and has contributed to a significant decrease in waterborne diseases during the past century. Nevertheless, waste discharges from municipal sewage treatment plants into rivers and streams, lakes, and estuaries and coastal waters remain a significant source of water quality problems throughout the country.

The Clean Water Act (CWA) establishes performance levels to be attained by municipal sewage treatment plants in order to prevent the discharge of harmful wastes into surface waters. The act also provides financial assistance so that communities can construct treatment facilities and related equipment to comply with the law. According to the most recent estimate by the Environmental Protection Agency and the states, the nation’s wastewater treatment facilities will need \$271 billion over the next 20 years to meet the CWA’s water quality objectives.

In 1987, Congress amended the CWA and created the State Water Pollution Control Revolving Fund (SRF) program. This program represented a major shift in how the nation finances wastewater treatment needs. In contrast to the [earlier] Title II construction grants program, which provided grants directly to localities, SRFs are loan programs. States use their SRFs to provide several types of loan assistance to communities, including project construction loans made at or below market interest rates, refinancing of local debt obligations, providing loan guarantees, and purchasing insurance.

In 2014, Congress revised the SRF program by providing additional loan subsidies (including forgiveness of principal and negative interest loans) in certain instances. The law identifies a number of types of projects as eligible for SRF assistance, including wastewater treatment plant construction, stormwater treatment and management, energy-efficiency improvements at treatment works, reuse and recycling of wastewater or stormwater, and security improvements at treatment works.

In both FY2016 and FY2017, Congress provided \$1.394 billion for the clean water SRF program. President









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